

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CVS, INC.,

Plaintiff,

v.

C.A. No. 05-171T

BENEFICIAL HOLDINGS, INC.,  
BENEFICIAL HEALTH SYSTEMS, INC.,  
BENEFICIAL NUTRACEUTICALS, INC.,  
INTEGRATED BIOPHARMA, INC., and  
CONTEMPORARY MARKETING, INC.,  
Defendants.


**NOTICE AND ORDER WITH RESPECT TO PROPOSED BIFURCATION**

It appears that the core dispute in this case - the terms of the agreement between CVS and Beneficial, and whether CVS owes money to Beneficial under that contract - could be dispositive of many of the counterclaims, cross-claims, and third party claims in this case.

Therefore, in order to resolve these matters as efficiently and expeditiously as possible, and to avoid confusing the jury, the Court proposes to bifurcate the trial of this case into at least two stages. Stage I will address the underlying declaratory judgment/contract claim between CVS and Beneficial. If it is determined that CVS owes money to Beneficial under the contract, it appears that, except for Beneficial's promissory estoppel claim, the remaining claims would be moot. If it is determined that CVS is not liable to Beneficial under the contract, then the remaining claims would be addressed in Stage II.

Any party that objects to this proposal must file an objection and supporting memoranda no later than January 15, 2007. Any party supporting bifurcation may file a reply memoranda no later than twenty (20) days thereafter.

IT IS SO ORDERED:



Ernest C. Torres  
United States District Judge  
Date: December 19, 2006